

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

JOHN WAYNE DILLARD
ADC #147484

PLAINTIFF

V.

NO: 5:12CV00270 SWW/HDY

CURTIS MEINZER *et al.*

DEFENDANTS

ORDER

Plaintiff John Wayne Dillard is a prisoner in the Varner Super Max Unit (“VSM”) of the Arkansas Department of Correction (“ADC”). In late June of 2012, he and eight other prisoners jointly filed a *pro se* § 1983 complaint and an amended complaint challenging the constitutionality of the VSM incentive level program and alleging that Defendants violated their constitutional rights in other ways. *See Reid v. Meizner*; 5:12CV00230 KGB/BD (docket entries #1 and #10).

On July 18, 2012, the Court granted several of the Plaintiffs, including Dillard, permission to proceed *in forma pauperis*, and directed the ADC to collect monthly payments from each of their inmate trust accounts. *See Reid* (docket entry #30). On the same day, the Court determined that the Plaintiffs’ claims were legally and factually different. *See Reid* (docket entry #33). Thus, the Court severed each of Plaintiffs’ claims into separate lawsuits, including this current lawsuit in which Dillard is the only Plaintiff.

On July 25, 2012, Dillard was directed to file a substituted complaint which set forth a brief statement as to how he believes his constitutional rights were violated, and how each Defendant personally participated. Dillard filed the substituted complaint on August 1, 2012 (docket entry #10). Liberally construing Dillard’s substituted complaint, he has stated a claim that Defendants violated his constitutional rights by subjecting him to unconstitutional conditions of confinement.

Accordingly, service is appropriate, and the United States Marshal is directed to serve a copy of the substituted complaint (docket entry #10), this order, and summons, upon them, without prepayment of fees and costs or security therefor.

IT IS SO ORDERED this 2 day of August, 2012.



UNITED STATES MAGISTRATE JUDGE